UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION

IN RE: JUANA ASENCIO ROBLES, **Debtor**	**CASE NO.: 15-81169** **Chapter 7**
JUANA ASENCIO ROBLES, **Plaintiff,** **v.** **DISCOVER BANK, DISCOVER FINANCIAL SERVICES, NAVIENT CORPORATION, NAVIENT SOLUTIONS, INC., NEW JERSEY HIGHER EDUCATION STUDENT ASSISTANCE AUTHORITY,** **Defendants.**	**Adv. Pro. No.: ______________**

COMPLAINT TO DETERMINE DISCHARGEABILITY OF STUDENT LOAN

Plaintiff Juana Asencio Robles ("Ms. Robles") complains of Defendants as follows:

JURISDICTION AND VENUE

1. This action arises under the United States Bankruptcy Code, 11 U.S.C. § 101 *et seq*.

2. Plaintiff seeks to determine the dischargeability of certain debts existing between the Plaintiff and the Defendants, pursuant to 11 U.S.C. § 523(a)(8).

3. This is a core proceeding under 28 U.S.C. § 157.

PARTIES AND FACTS

4. Plaintiff Juana Asencio Robles ("Ms. Robles") is a citizen and resident of Durham County, North Carolina.

5. Upon information and belief, Defendant Discover Bank ("Discover") is a Delaware-chartered, federally insured bank with its principal office in Delaware.

6. Upon information and belief, Defendant Discover Financial Services ("DFS") is a Delaware corporation with its principal office in Illinois. Upon information and belief, DFS is a servicing affiliate of Discover Bank.

7. Upon information and belief, Defendant Navient Corporation ("Navient") is a Delaware corporation with its principal office in Delaware.

8. Upon information and belief, Defendant Navient Solutions, Inc. ("NSI") is a Delaware corporation with its principal office in Virginia. Upon information and belief, NSI is a servicing affiliate of Navient Corporation.

9. Upon information and belief, Defendant New Jersey Higher Education Student Assistance Authority ("NJHESAA") is an entity created by the New Jersey Legislature through the laws of the State of New Jersey, and has its principal office in Trenton, New Jersey.

10. Ms. Robles is indebted to the Defendants for several individual student loans (collectively, the "Loans') that were cosigned by Ms. Robles and her daughter, Karolin Moreau ("Ms. Moreau"), with the proceeds of the loans used by Ms. Moreau for her education.

FIRST CAUSE OF ACTION
(Dischargeability of Student Loan)

11. Exemption of the Loans from the discharge entered in the Chapter 7 bankruptcy case, No. 15-81169, filed by Ms. Robles imposes an undue hardship upon Ms. Robles.

12. Ms. Robles is a 45-year-old single mother with a minor daughter living at home.

13. Ms. Robles was born in the Dominican Republic and lived there until she was approximately 24 years old, immigrating to St. Croix in 1992 and ultimately relocating to North Carolina in 2008.

14. English is Ms. Robles' second language. She completed one year of high school in the Dominican Republic before dropping out to raise her daughter. Ms. Robles learned English and completed her GED while living in St. Croix.

15. Ms. Robles is currently employed as a technician for LabCorp earning approximately $35,000 per year.

16. Ms. Robles cannot afford to make the payments requested by each of the Defendants and maintain a minimal standard of living.

17. Ms. Robles' financial circumstances are not reasonably likely to change in the future to enable her to have the ability to repay the debts.

18. Ms. Robles has made good faith efforts to repay the Loans by making payments as often and in such amounts as her budget allows.

19. Despite Ms. Robles' efforts to work out payment arrangements with each of the Defendants, the Defendants refuse to agree to a monthly payment that Ms. Robles can afford, instead demanding payment of large sums that Ms. Robles does not have and threatening to sue if those sums are not received.

20. Ms. Robles is entitled to be discharged of her obligations to repay the Loans, or in the alternative have a portion of the Loans discharged based upon the amount she can pay toward the Loans.

WHEREFORE, Plaintiff asks that the Court:

1. Enter an order finding that the Plaintiff is discharged of her obligations to repay the Loans; and

2. For such other relief as the Court deems just and proper.

Dated: February 26, 2016.

PARRY TYNDALL WHITE

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